

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 26, 2008

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on February 26, 2008 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Rubin and Shanley.

Absent: Councilman Kammerer.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2008 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the February 12, 2008 regular Borough Council meeting and the February 20, 2008 special Borough Council meeting were approved as written, copies having been forwarded to all Council members. All in favor.

MOTION TO CHANGE THE ORDER OF BUSINESS:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the Order of Business was changed at this time in order for the meeting to be opened to the public for comments on the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Planning Project. All in favor.

HEAR PUBLIC COMMENTS ON MONMOUTH COUNTY MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLANNING PROJECT:

Councilman Mark Rubin, Office of Emergency Management Coordinator, stated that the Municipal Clerk/Administrator and he were working with the County and all 53 municipalities to identify natural hazards, try to gauge what Rumson might face and identify measures to mitigate hazards such as storms, flooding and other natural disasters. He stated that the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Planning Project Plan Facts pamphlet states, "Hazard

mitigation measures are essential to breaking the typical disaster cycle of damage, reconstruction, and repeated damage.” Councilman Rubin stated that grants were available to municipalities for some equipment and other things. He added that there was talk that houses that were continually damaged in storms could be demolished and rebuilding would not be allowed—if the owners of those houses were in agreement. Councilman Rubin stated that there were three properties in Rumson that have been identified as just such houses, but, when approached, the owners had not expressed an interest. He stated that this was an ongoing study and that there was a great deal of work involved with a 250-page draft document that the Municipal Clerk/Administrator and he were reviewing. He added that it had been established that Rumson was at risk for flooding but not earthquakes.

Councilman Rubin stated that there were no specifics and that the study would probably take many months or a year before it would be released. All the towns would seek funding that might result from the study.

In answer to a question from a member of the Council regarding improvements on Shrewsbury Drive qualifying under this project, Councilman Rubin stated that he didn’t believe so and that the Municipal Clerk/Administrator had suggested that a bucket truck would be appropriate for storm cleanup. He didn’t think that large grants would be available.

Mayor Ekdahl asked who would compensate a homeowner if they volunteered their house to be given up.

Councilman Rubin stated that there was supposed to be reserved funds that would pay for that, but the homeowner would not be compensated for full market value.

The Municipal Clerk/Administrator advised that there had been some homeowners in North Jersey that had been compensated by FEMA for the house and then no further development was allowed, but he didn’t think that would be the case in Rumson.

Councilman Rubin stated that, in the case of the houses being given up, the property reverts to the town. He added that he did not think that Rumson would get any large amounts from the study but we agreed to participate because the County required all 53 municipalities to be a part of it for it to work. He added that the towns were involved in varying degrees and that Buzz Baldanza from Oceanport was heading the eastern section of Monmouth County and doing a wonderful job. He stated that some towns were not interested but were grudgingly participating; the Municipal Clerk/Administrator and he were doing whatever was asked of them.

The Municipal Clerk/Administrator advised that the only way that a municipality would be able to apply for FEMA funding in the future was if they had a plan; rather than each town developing their own plan, the County was developing one plan for all the towns under a grant that they had received for this development. He stated that if the Borough wanted to apply for something, like a storm wall to prevent water from coming in for example, then a plan would have to be in place in order for FEMA to recognize the application. The Municipal Clerk/Administrator added that the only cost for participating in this project was time spent and the advertisement in the newspaper last week advising of this meeting being held for public comment.

Mayor Ekdahl opened the meeting to the public at this time and called for any comments or questions on the subject of the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Planning Project.

No one from the public responded.

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting was closed to public comment at this time and returned to the Regular Order of Business. All in favor.

COMMUNICATIONS:

LETTER FROM KATHY JEARY ADVISING OF HER RESIGNATION AS CHAIRMAN OF THE ENVIRONMENTAL COMMISSION:

The Municipal Clerk/Administrator advised of a letter to the Mayor dated January 17, 2008 from Kathy Jeary submitting her resignation as Chairman of the Environmental Commission due to personal reasons and effective immediately.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received and the resignation of Kathy Jeary as Chairman of the Environmental Commission was ordered received with regret. All in favor.

REQUEST FROM PETER COGGINS OF SHREWSBURY SAILING & YACHT CLUB TO HOLD AN "OFF SHORE NAVIGATION AND SAILING CLASS" AT BINGHAM HALL FOR FOUR EVENING SESSIONS LASTING THREE HOURS EACH—TWO CONSECUTIVE EVENINGS TWO WEEKS IN A ROW:

The Municipal Clerk/Administrator advised of a letter dated February 11, 2008 from Rumson resident Peter Coggins of the Shrewsbury Sailing & Yacht Club requesting permission to use Bingham Hall to hold their "Off Shore Navigation and Sailing Class" for adults. The request was for four evening sessions to last three hours each from 7:00 p.m. to 10:00 p.m. on two consecutive nights in mid-week for two weeks in a row and be limited to 15-18 people.

On motion by Councilman Hemphill, seconded by Councilman Rubin, this communication was ordered received and permission granted for the use of Bingham Hall for the Shrewsbury Sailing & Yacht Club classes. All in favor.

LETTER FROM MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION REQUESTING PERMISSION FOR THE AERIAL SURVEILLANCE AND APPLICATION OF PESTICIDES OVER THE BOROUGH OF RUMSON DURING THE PERIOD BEGINNING MARCH 15, 2008 AND CONTINUING THROUGH NOVEMBER 30, 2008:

The Municipal Clerk/Administrator advised of a letter dated February 13, 2008 from the Monmouth County Mosquito Extermination Commission requesting permission again this year for aerial surveillance and the application of pesticides over the Borough of Rumson during the period beginning March 15, 2008 and continuing through November 30, 2008.

On motion by Councilman Rubin, seconded by Councilwoman DeVoe, this communication was ordered received and permission was granted for the Mosquito Extermination Commission to perform their aerial surveillance and treatment over the Borough of Rumson. All in favor.

LETTER FROM ROBERT E. HALLIGAN, SECRETARY OF THE RUMSON FIRE COMPANY, REQUESTING APPROVAL OF THE APPLICATIONS OF PATRICK J. COVERT AND JOHN W. SANDERS, JR. BOTH OF 22 CHURCH STREET, SEA BRIGHT AS ASSOCIATE MEMBERS:

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated February 21, 2008 from Robert E. Halligan, Secretary of the Rumson Fire Company, requesting approval of the applications of Patrick J. Covert and John W. Sanders, Jr. as Associate Members. Mr. Covert and Mr. Sanders both reside at 22 Church Street in Sea Bright.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, this communication was ordered received and the applications of Mr. Covert and Mr. Sanders as Associate Members of the Rumson Fire Company were approved. All in favor.

CONSENT AGENDA:

LETTER FROM THE STATE D.E.P. ADVISING THAT THE PERMIT/WAIVER FOR THE FRESHWATER WETLANDS TRANSITION AREA AVERAGING PLAN IS NOT VALID UNTIL THE DEED RESTRICTION IS SUBMITTED TO THE DIVISION OF LAND USE REGULATION FOR NICHOLAS ADAMSON FOR PROPERTY AT 26 OSPREY LANE FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY DWELLINGS:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulation advising that the Permit/Waiver for the Freshwater Wetlands Transition Area Averaging Plan is not valid until the Deed Restriction is submitted to the Division for Nicholas Adamson for property at 26 Osprey Lane for the construction of two single-family dwellings.

LETTER FROM MASER CONSULTING P.A., ON BEHALF OF PETER AND ELLEN FORLENZA FOR PROPERTY LOCATED AT 8 RIDGE ROAD, ENCLOSING AN APPLICATION TO THE STATE D.E.P. FOR A FRESHWATER WETLANDS GENERAL PERMIT AND FLOOD HAZARD AREA PERMIT TO CONSTRUCT AN ACCESS DRIVE OVER STATE OPEN WATER, AS WELL AS INSTALL UNDERGROUND UTILITY LINES THAT WILL CONNECT TO A SINGLE-FAMILY RESIDENTIAL DWELLING:

The Municipal Clerk/Administrator advised of a letter from Masur Consulting P.A. on behalf of Peter and Ellen Forlenza, 8 Ridge Road. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Freshwater Wetlands General Permit and Flood Hazard Area Permit to construct an access drive over State open water, as well as install underground utility lines that will connect to a single-family residential dwelling.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the above two communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 08-001 D TO AMEND THE BOROUGH'S LAND USE AND DEVELOPMENT REGULATION TO REFLECT CHANGES IN CHAPTERS 22-2.4 AND 22-3.9 AND SCHEDULES 5-3A, 5-3B, 5-4 AND 5-5. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

08-001 D

AN ORDINANCE AMENDING CHAPTER XXII OF THE CODE OF THE BOROUGH OF RUMSON (THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF RUMSON) TO AMEND CERTAIN DEFINITIONS, BULK REQUIREMENTS AND GENERAL ZONING PROVISIONS.

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilwoman DeVoe, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

NEW BUSINESS:

ORDINANCE 08-003 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, MARCH 25, 2008:

The Municipal Clerk/Administrator advised that this Ordinance had been introduced at the February 12, 2008 meeting but, due to a required wording change, would be reintroduced at this time and the public hearing would be scheduled for Tuesday, March 25, 2008.

He read the following ordinance by title only in first reading:

08-003

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Rumson in the County of Monmouth finds it advisable and necessary to increase its Calendar Year 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$88,584.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Rumson in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the Calendar Year 2007 budget year, the final appropriations of the Borough of Rumson shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$310,044.68, and that the Calendar Year 2008 municipal budget for the Borough of Rumson be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilwoman DeVoe moved the adoption of this ordinance in first reading. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, March 25, 2008 meeting of the Borough Council at 7:30 p.m.

**RESOLUTION TO APPROVE PERSON-TO-PERSON LIQUOR LICENSE TRANSFER OF
JOBIE, INC. (T/A BRIODY'S) TO DCJ RUMSON, LLC (T/A MURRAY MACGREGORS):**

A discussion took place on the Resolution that was to come before the Borough Council at this time to approve the Person-to-Person Transfer of Plenary Retail Consumption License Number 1342-32-002-004 at 132 East River Road, Rumson from Jobie, Inc. (trading as Briody's) to DCJ Rumson, LLC (trading as Murray MacGregors).

At this time, Doug Crawford from the law firm of Kelly and Brennan requested to be heard by the Mayor and Council. He stated that his law firm represented Jobie, Inc. in the sale of the license as well as in bankruptcy court and that he had an order from bankruptcy court to prove the sale. Mr. Crawford stated that he was totally supportive of the application going forward but the only issue he had was that they have not yet set a closing date. He stated that they were in discussions with Mr. Castelluci, the counsel for the buyer, and that March 20, 2008 had been proposed as a closing date but nothing has been decided. Mr. Crawford stated that under A.B.C. regulations, Briody's can only be operated by the seller until the closing. Mr. Crawford apologized for bringing this to the Council's attention now but this came to them only recently.

The Borough Attorney asked Mr. Crawford if his request was to have the Council hold this Resolution.

Mr. Crawford stated that the Council could either change the effective date for the Resolution to March 20, 2008 or hold the Resolution until he could discuss the matter further with Mr. Castelluci.

The Municipal Clerk/Administrator advised Mr. Crawford that he had been in the office all day today and yesterday and stated that he had not received a call from his law office. He added that he had spoken with Mr. Castelluci today and been forwarded all the documents required for the transfer and at no time during the conversation had Mr. Castelluci mentioned any holdup in the transfer. The Municipal Clerk/Administrator stated that he wondered if Mr. Castelluci was on the same page as Mr. Crawford in regard to the transfer because he had not mentioned this matter. The Municipal Clerk/Administrator advised that the Resolution had been scheduled for the previous meeting but the advertisement had been incorrect and it had to be re-advertised, a copy of which had been forwarded to the Borough today with Mr. Castelluci's go ahead to do the transfer.

Mr. Crawford stated that his firm had received correspondence from Mr. Castelluci indicating that today was the day for the Resolution to go before the Council but Kelly Brennan from the firm had been playing phone tag with him the last few days. He stated that he had been sent by

the firm to come to this meeting and had not had a chance to get in touch with Mr. Castelluci. Mr. Crawford stated that his firm had a concern that continuing to operate could be problematic.

In answer to a question from Councilman Broderick, the Borough Attorney advised that the effective date of the transfer could be changed to March 20, 2008 but that his concern was that we have not been told by Mr. Castelluci, who has indicated that it was ready to go, that March 20th was the right date.

Matt Harmon, one of the buyers from DCJ Rumson, LLC, stated that he had spoken with his attorney, Mr. Castelluci, today and that they were set to close next week and not prepared to wait until March 20th.

Mr. Crawford stated that the contract of the sale provided for a closing sometime after the Borough's approval and that the parties have not agreed to a closing date. He added that there was no doubt that the parties would work this out but that his concern was if this resolution were to be passed it would be problematic for Jobie, Inc. to continue to operate the business.

Mr. Harmon stated that he was ready to have a closing next week and that would give the current owner the weekend to have a closing party and be done. He stated that they didn't want to wait another three weeks until March 20th.

Mayor Ekdahl stated that he had a question for the attorneys, including the Borough Attorney—why would we transfer the license before the closing because closings have been known to fail?

The Municipal Clerk/Administrator advised that it was to assure that the license would transfer and that the town would allow it, as a contingency of the sale.

Mayor Ekdahl stated that the background check has been completed and that they are eligible to receive a license. He asked what would happen if we approved the transfer and the closing failed?

Mr. Crawford stated that the problem was that the parties hadn't set a closing date yet and that the matter was being worked out.

It was noted that the Council couldn't get involved in deciding a date for the closing.

The Municipal Clerk/Administrator stated that Mr. Crawford's client had already authorized the sale and transfer of license to the new party and the Council was only acting on that; the transfer has nothing to do with the closing date.

Councilman Broderick asked how it could ever be contemporaneous that a resolution be adopted on the same day as a closing.

The Borough Attorney stated that, normally in these situations, there is a closing, the establishment stays closed for a couple weeks while renovations are done and in the meantime the municipality approves the transfer. In this particular case, if we approve the transfer tonight, technically, as far as the Borough is concerned, tomorrow the purchaser has the operation and the seller cannot operate.

Councilman Broderick asked why the Council couldn't approve the transfer effective upon the closing and not state any particular date but stipulate that it must take place within a sixty-day period.

The Municipal Clerk/Administrator stated that, although the client was present, Mr. Castelluci was not and he had not received a call from Mr. Crawford or Mr. Kelly over the past week when there was no doubt that this transfer was coming due.

Mr. Crawford again apologized for the discrepancy and stated that there had been some attempted discussions between counsels to try to iron these issues out.

The Borough Attorney stated that the Resolution needed to include an effective date and that it should be the closing date.

In answer to a question from Councilman Hemphill, the Borough Attorney stated that the A.B.C. would recognize the effective date in the Resolution as the date of the transfer from one party to the other.

Mayor Ekdahl stated that if the Resolution was approved tonight then Jobie, Inc. could not do business tomorrow morning.

The Borough Attorney stated that normally the buyer and seller agree on the transfer date, but the two parties in this case have not made that decision as yet. He stated that Mr. Crawford's law firm had put the Borough in a difficult position because the next Borough Council meeting was not until March 11th. The Borough Attorney suggested the Council hold the Resolution and Mr. Crawford and Mr. Harmon go out of the room to discuss the issues and make telephone calls to have all parties decide on a date then return to the meeting to continue.

Mr. Crawford and Mr. Harmon left the meeting temporarily.

After a brief recess, Mr. Crawford and Mr. Harmon returned to the meeting. Mr. Crawford advised that the parties could not come to an agreement at this time and requested that the Resolution be tabled until the March 11, 2008 Borough Council meeting.

The Borough Attorney said that the Council could do nothing until the seller and purchaser agreed on an effective date. He added that if an effective date is put in and the closing does not take place, the establishment is out of business and stays empty, which serves no one. The Borough Attorney stated that the Borough should not be put in this position.

It was noted that the Borough must be advised of the effective date by March 7th in order to place the Resolution on the March 11th Council meeting agenda.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin the Person-to-Person Transfer of Plenary Retail Consumption License Number 1342-32-002-004 was ordered tabled until the March 11, 2008 Borough Council meeting and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AN “AGREEMENT FOR INSTALLATION OF ELECTRIC DISTRIBUTION FACILITIES” WITH JERSEY CENTRAL POWER & LIGHT COMPANY TO PROVIDE ELECTRICAL SERVICE TO THE NEW BOROUGH HALL BUILDING:

The Municipal Clerk/Administrator advised that Councilman Hemphill and he had looked over the Agreement for Installation of Electric Distribution Facilities with Jersey Central Power & Light Company to provide the electric service to the new Borough Hall Building and that the Agreement would not be sent out until after we have had the opportunity to discuss the new Borough Hall and move forward on it.

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough has a need to increase the electrical service to the new Borough Hall Building due to the requirements and building code regulations for new construction; and

WHEREAS, Jersey Central Power & Light has provided an “Agreement for Installation of Electric Distribution Facilities” to allow for such electrical service to the new Borough Hall Building; and

WHEREAS, the Borough Building Committee and the Municipal Clerk/Administrator recommend the Borough enter into said Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorizes the Mayor to sign the “Agreement for Installation of Electric Distribution Facilities” for the new Borough Hall Building.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

RESOLUTION TO AUTHORIZE THE MAYOR AND THE MUNICIPAL CLERK/ ADMINISTRATOR TO SIGN A DEED OF OPEN SPACE EASEMENT FOR GUNNING ISLAND KNOWN AS BLOCK 150, LOT 1 ON THE TAX MAP IN ORDER TO FULFILL MONMOUTH COUNTY’S REQUIREMENT FOR THE FUNDING FOR THE PURCHASE:

The Municipal Clerk/Administrator advised that, as part of the purchase of Gunning Island and the receipt of the \$250,000.00 from the County Green Acres Program, we have to put an easement over the top of the Island that states that we cannot sell the property for commercial purposes after the Borough has received their funding.

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson purchased a portion of Gunning Island known as Block 150, Lot 1 on the Tax Map; and

WHEREAS, the Borough of Rumson applied for and received funding from the Monmouth County Green Acres Program for the purchase; and

WHEREAS, as part of the Agreement, the Borough of Rumson agreed to provide a permanent easement to the County; and

WHEREAS, the easement must be formally documented and then recorded with the County Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson that the Mayor and Municipal Clerk/Administrator be authorized to sign the Deed of Easement between the Borough of Rumson and the County of Monmouth; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough Attorney in order for him to file the Deed of Easement with the County of Monmouth.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

RESOLUTION TO TRANSFER THE DEVELOPER'S AGREEMENT WITH SUGAR MAPLE ESTATES TO 61-63 RIVER ROAD, LLC AND TO EXTEND THE LENGTH OF THE AGREEMENT AN ADDITIONAL SIX (6) MONTHS:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson Planning Board had approved the Major Subdivision know as Sugar Maple Estates located at Block 18, Lots 29 and 30 in 2006; and

WHEREAS, the Borough has a Developer's Agreement with Sugar Maple Estates; and

WHEREAS, Stokes & Throckmorton, the Attorneys for Sugar Maple Estates, have requested that the Developer's Agreement between the Borough of Rumson and Sugar Maple Estates be transferred to 61-63 River Road, LLC; and

WHEREAS, the Developer's Agreement is due to expire on April 3, 2008; and

WHEREAS, proper documentation has been provided to the Borough Attorney showing the transfer of the former Sugar Maple Estates to 61-63 River Road, LLC; and

WHEREAS, 61-63 River Road, LLC has requested that the Developer's Agreement be extended for an additional six (6) months from this day to allow for the completion of the improvements;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Mayor and Municipal Clerk/Administrator to sign the Developer's Agreement to change the name from Sugar Maple Estates to 61-63 River Road, LLC and to change the expiration date to August 26, 2008;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Rumson Planning Board.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

RESOLUTION TO CORRECT A RESOLUTION ADOPTED NOVEMBER 15, 2007 TO CHANGE INCORRECT WORDING AND SALARY AMOUNT:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION TO CORRECT RESOLUTION ADOPTED NOVEMBER 15, 2007

WHEREAS, a Resolution titled "RESOLUTION TO APPOINT THE MUNICIPAL TAX COLLECTOR" was passed on November 15, 2007; and

WHEREAS, said Resolution stated "Melissa Gonzalez signed as the Municipal Tax Collector of the Borough of Rumson effective August 31, 2007;" and

WHEREAS, the Resolution should have read "Melissa Gonzalez resigned as the Municipal Tax Collector of the Borough of Rumson effective August 31, 2007;" and

WHEREAS, said Resolution resolved that Helen L. Graves receive an annual salary of \$20,231.00 for the position of Municipal Tax Collector effective retroactive to her appointment date of October 3, 2007; and

WHEREAS, the Resolution should have resolved that Helen L. Graves receive an annual salary of \$20,321.00 for the position of Municipal Tax Collector effective retroactive to her appointment date of October 3, 2007;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rumson accept these corrections to the Resolution adopted on November 15, 2007; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Payroll Clerk.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

RESOLUTION AUTHORIZING THE BOROUGH TO APPLY TO THE STATE FOR A RECYCLING TONNAGE GRANT:

Councilman Rubin offered the following resolution and moved its adoption:

**BOROUGH OF RUMSON
RESOLUTION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson that the Borough of Rumson hereby endorses the submission of a Municipal Recycling Tonnage Grant Application for the year 2007 to the New Jersey Department of Environmental Protection,

Office of Recycling and designates James A. Mellish, Rumson Recycling Coordinator, Borough Hall, 80 East River Road, Rumson, N.J. 07760 to ensure that the said Application is properly filed.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

MOTION TO AUTHORIZE THE MUNICIPAL CLERK/ADMINISTRATOR TO SOLICIT SEALED BIDS FOR THE PHASE I SITE WORK REQUIRED FOR THE NEW BOROUGH HALL PROJECT:

Councilman Hemphill moved that the Municipal Clerk/Administrator be authorized to solicit sealed bids for the Phase I Site Work required for the construction of the new Borough Hall.

Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

The Borough Attorney asked the Municipal Clerk/Administrator if the 16 bidders on the Project were advised that the Borough was not going to accept the bids that they had submitted on the Alternate for Phase I Site Work, because the Borough has not officially accepted the bids yet.

The Municipal Clerk/Administrator advised that the low bidder had not been so advised.

The Borough Attorney stated that all of the bidders would have to be advised because they would see this and question what it was all about if the Borough hasn't made a decision on the award of the contract. He stated that there had to be notification that the bids on the Alternate for Phase I Site Work all came in too high and that they were all rejected and that the only thing the Borough was going to award was the base bid.

The Municipal Clerk/Administrator stated that the low bidder had been told verbally but not in writing and the Council has not decided to do that yet.

The Borough Attorney said that since the low bidder had been advised, the motion could stand to solicit for bids for the Alternate for Phase I Site Work.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of February 26, 2008:

Wachovia Bank		
Balance:	02/12/08	\$10,243,441.92
Cash Receipts:	February	\$ 589,876.47
Void Check		\$ 0.00
Pre-Paid Postage & Debt Service		\$ (7,699.25)
Bills & Claims:	02/26/08	\$ (78,124.34)
Payroll:	02/15/08	\$ (202,208.49)

Wachovia Bank Balance:	<u>\$10,545,286.31</u>
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Certificate of Deposits:	\$ 8,000,000.00
Money Market Funds:	\$ 0.00
Total Current Fund:	\$18,545,286.31

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	53.00	Deer Carcass Removal Service
\$	86.00	Nelson Press
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\$	139.00	Animal Control Account
\$	2,176.00	T & M Associates
\$	837.00	Trilex
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\$	3,013.00	Capital Account
\$	7,699.25	Depository Trust Company
\$	195.79	Action Office Supplies
\$	3,413.69	Allied Oil Company
\$	1,052.50	Americanwear Indust Uniforms
\$	55.00	ANJR
\$	1,324.52	Asbury Park Press
\$	136.51	Atlantic Plumbing Supply Co
\$	63.89	AT&T
\$	69.65	Avaya Inc
\$	125.00	Borough of Little Silver
\$	40.00	Carma/NJ
\$	104.95	Comcast of Monmouth

\$	2,192.90	Custom Tire Associates
\$	95.00	Deptcor
\$	919.60	East Coast Energy Products
\$	300.00	Gagliano Appraisal LLC
\$	108.00	Garden State Highway
\$	80.70	Grainger
\$	7,800.00	Information Management Corp
\$	120.00	International Association
\$	15,114.29	JCP&L
\$	32.08	Kaldor
\$	14.00	Lanigan Associates Inc
\$	491.81	McCarter & English LLP
\$	810.65	MGL Printing Solutions
\$	9,621.00	Mickey Benoit Inc
\$	150.00	MC Police Assoc
\$	11,284.42	Treasurer County of Monmouth
\$	614.09	Monmouth Telecom
\$	107.94	National Parts Supply Company
\$	15.00	National Arbor Day Foundation
\$	500.65	Naylor's Inc
\$	153.00	Neopost Inc
\$	83.87	New Jersey American Water
\$	609.13	NJ Natural Gas Co
\$	275.00	NJ State League of Municipalities
\$	200.00	NJ State Assoc of Chiefs
\$	436.48	Norwood Auto Parts
\$	2,973.00	Overbrook Farm
\$	350.88	PL Custom Emergency Vehicles
\$	30.00	Residential Flag Poles
\$	50.00	Thomas S Rogers
\$	3,300.05	R & R Pump Control Service LLC
\$	80.00	Rutgers the Sate University
\$	185.94	Staples Business Advantage
\$	3,171.25	T & M Associates
\$	795.00	Traffic Safety Services
\$	2,000.00	Treasurer – State of NJ
\$	768.00	Trico Equipment Inc
\$	32.30	The Two River Times
\$	1,204.00	Uniform Headquarters
\$	2,000.00	United States Postage Service
\$	119.98	USA Bluebook
\$	633.34	Verizon
\$	309.81	Verizon Wireless
\$	1,409.68	ZEP Manufacturing Company
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\$	85,823.59	Current Fund
\$	215.00	Nelson Press
\$	1,400.00	Odyssey Automotive Specialty
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\$	1,615.00	Endowment Inc Account
\$	100.00	EMSA
\$	169.30	John Hird
\$	200.00	Chuck Iarussi
\$	1,500.00	Sporting Essentials/MLS Camp
\$	1,185.99	Sto-Cote Products Inc
\$	875.00	Taylor Fence Co Inc
\$	5,875.00	US Lacrosse
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\$	9,905.29	Recreation Account
\$	7,044.72	Current Fund Appropriations
\$	78,778.87	Current Fund Appropriations
\$	139.00	Animal Control Fund Expenses
\$	3,013.00	Capital Fund Disbursements
\$	1,615.00	Endowment Disbursements
\$	9,905.29	Recreation Disbursements
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\$	100,495.88	Total Of All Funds

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Kammerer.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Hemphill, the meeting adjourned at 8:21 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator